

**REMARKS:****I. Introduction**

In the Office Action mailed on December 9, 2005, the Examiner rejected claims 1 to 12, 15, 16, and 20 to 30. The present amendment cancels claims 25 to 28 and 30, amends claims 1, 7 to 9, 20 and 29, and adds no new claims. Accordingly, claims 1 to 12, 15, 16, and 20 to 24, and 29 are now pending in this application.

**II. Claim Rejections Based on 35 U.S.C. § 112**

The Examiner rejected claims 20 to 22, 25 to 28 and 30 under 35. U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 25 to 28 and 30 have been cancelled without prejudice as to resubmission at a later date. Claim 20 has been amended to remove limitation cited by the examiner. Claims 21 and 22 depend from Independent claim 20. Reconsideration and withdrawal of the rejection is requested.

**III. Claim Rejections Based on 35 U.S.C. § 102(b)**

(a) The Examiner rejected claims 1, 2, 7 to 12, and 23 and 24 under 35. U.S.C. § 102(b) as anticipated by Rethorn (US 1,131,553).

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitation of "wherein the locking device includes a plurality of interlocking protrusions and grooves formed in the head and the brace and a knob operable to bring the protrusions and grooves into and out of engagement to lock and unlock the brace: ". No prior art of record reasonably discloses or suggests the present invention as currently defined by independent claim 1. Reconsideration and withdrawal of the rejection is requested.

It is also noted that independent claim 20 and claims dependent therefrom are allowable because they each include the limitation of "wherein the locking device includes a plurality of interlocking protrusions and grooves formed in the head and the brace to predefine the first and second positions and to predefine the locations between the first and second positions: ". No prior art of record reasonably discloses or suggests the present invention as currently defined by independent claim 20. Reconsideration and withdrawal of the rejection is requested.

Re. Application Number 10/789,880

Page 7 of 9 pages

(b) The Examiner rejected claim 29 under 35. U.S.C. § 102(b) as anticipated by Stapley (US 5,713,193).

Independent claim 29 is allowable because it includes the limitation of "wherein the knob extends to the brace through a slot in the head and moves along the slot as the brace moves along the tines". No prior art of record reasonably discloses or suggests the present invention as currently defined by independent claim 29. Reconsideration and withdrawal of the rejection is requested.

#### IV. Claim Rejections Based on 35 U.S.C. § 103(a)

The Examiner rejected claims 3 to 6, 15, and 16 under 35. U.S.C. § 103(a) as unpatentable over Rethorn (US 1,131,553).

Claims 3 to 6, 15 and 16 are allowable as depending from allowable claim 1 as discussed above and independently allowable for novel and nonobvious matter contained therein. Reconsideration and withdrawal of the rejection is requested.

#### V. Conclusion

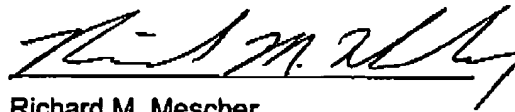
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application.

Re. Application Number 10/789,880

Page 8 of 9 pages

If there are any fees resulting from this communication, please charge same to our  
Deposit Account No. 16-2326.

Respectfully submitted,



Richard M. Mescher  
Reg. No. 38,242

PORTER, WRIGHT, MORRIS & ARTHUR LLP  
41 South High Street  
Columbus, Ohio 43215  
(614) 227-2026  
Fax: (614) 227-2100

March 9, 2006

Re. Application Number 10/789,880

Page 9 of 9 pages